

(b) MSHA reserves the right to have its representatives inspect the applicant's quality control test methods, equipment, and records, and to interview any employee or agent of the applicant in regard to quality control test methods, equipment, and records.

(c) MSHA reserves the right to revoke, or cause, any certificate of approval where it finds that the applicant's quality control test methods, equipment, or records do not ensure effective quality control over the instrument for which the approval was issued.

Subpart F—General Construction and Performance Requirements

§ 29.50 Construction and performance requirements; general.

(a) MSHA shall issue approvals for portable coal dust/rock dust analyzers and continuous duty, warning light, portable methane detectors which have met the applicable minimum requirements set forth in this Part 29.

(b) In addition to the types of analyzers and detectors described in Subparts G and H of this part, MSHA will issue approvals for other portable coal dust/rock dust analyzers and continuous duty, warning light, portable methane detectors subject to such additional requirements as may be imposed in accordance with § 29.53.

§ 29.51 General construction requirements.

Portable coal dust/rock dust analyzers and continuous duty, warning light, portable methane detectors will not be accepted by MSHA for examination, inspection, and testing unless they are designed on sound engineering and scientific principles, constructed of suitable materials, and evidence good workmanship.

§ 29.52 Component parts; minimum requirements.

(a) The components of each instrument approved by MSHA for use where permissibility is required shall meet the requirements for permissibility and intrinsic safety set forth in Part 18, Subchapter D of this chapter (Bureau of Mines Schedule 2G).

(b) The components of each instrument shall be:

(1) Designed and constructed to prevent creation of any hazard to the user; and

(2) Assembled to permit easy access for inspection, cleaning, and repair of functional parts.

(c) Replacements parts shall be constructed to maintain the effectiveness of the instrument.

§ 29.53 Test requirements; general.

(a) Each instrument and its components shall, when tested by the applicant and MSHA, meet the applicable performance and test requirements set forth in Subparts G and H of this part.

(b) In addition to the minimum requirements set forth in Subparts G and H of this part MSHA reserves the right to require, as a further condition of approval, any additional or other minimum requirements it deems necessary to establish the quality effectiveness, and safety of any instrument.

(c) Where it is determined after receipt of an application that additional or other minimum requirements will be required for approval, MSHA will notify the applicant in writing of the additional or other minimum requirements, and necessary examinations, inspections, and tests, stating generally its reasons for such requirements, examinations, inspections or tests.

§ 29.54 Pretesting by applicant.

(a) Prior to any application for approval or modification of approval, the applicant shall conduct, or cause to be conducted, examinations, inspections, and tests of analyzer or detector performance which are equal to or exceed the severity of those prescribed in this part.

(b) With the application, the applicant shall provide a statement to MSHA showing the types and results of the examinations, inspections, and tests performed as required under paragraph (a) of this section and state that the analyzer or detector meets the minimum requirements of Subpart G or H of this part, as applicable. Complete examination, inspection and test data shall be retained on file by the applicant and be submitted, upon request, to MSHA.